

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-11762

Joseph Archambault

v.

Liberty Life Assurance, et al

CLERK'S CERTIFICATE

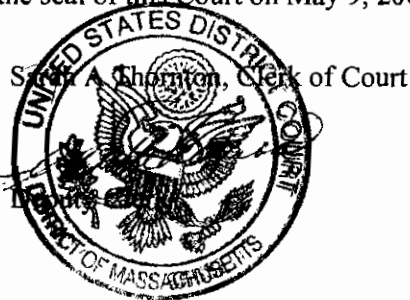
I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-33

and contained in I Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 4/25/2007.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on May 9, 2007.

By: _____



Receipt of the documents in the above entitled case is hereby acknowledged this date: 5/9/07

J. Barchain
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11762-NG**

Archambault v. Liberty Life Assurance Company of Boston Date Filed: 08/25/2005
Assigned to: Judge Nancy Gertner Jury Demand: None
Cause: 29:1132 E.R.I.S.A.-Employee Benefits Nature of Suit: 791 Labor: E.R.I.S.A.
Jurisdiction: Federal Question

Plaintiff

Joseph Archambault

represented by **Richard K. Latimer**
Room 205
222 Main Street
Falmouth, MA 02540
508-548-7006
Fax: 508-548-7008
Email: rklaw@cape.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**Liberty Life Assurance Company of
Boston**

represented by **Guy P. Tully**
Jackson Lewis LLP
75 Park Plaza
4th Floor
Boston, MA 02327
617-367-0025
Fax: 617-367-2155
Email: tullyg@jacksonlewis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard W. Paterniti
Cooley Manion Jones LLP
21 Custom House Street
Boston, MA 02110
617-737-3100
Fax: 617-737-3113
Email: rpaterniti@cmjlaw.com
TERMINATED: 12/26/2006
ATTORNEY TO BE NOTICED

Mediator

Sally S. Higginbotham

TERMINATED: 08/04/2006

Date Filed	#	Docket Text
08/25/2005	<u>1</u>	COMPLAINT against Liberty Life Assurance Company of Boston Filing fee: \$ 250, receipt number 66493, filed by Joseph Archambault. (Attachments: # <u>1</u> Civil Cover Sheet)(Filo, Jennifer) Additional attachment(s) added on 9/7/2005 (Filo, Jennifer). (Entered: 08/29/2005)
08/25/2005	<u>2</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Filo, Jennifer) (Entered: 08/29/2005)
08/25/2005	<u>3</u>	Summons Issued as to Liberty Life Assurance Company of Boston. (Filo, Jennifer) (Entered: 08/29/2005)
09/16/2005	<u>2</u>	Assented to MOTION for Extension of Time to October 21, 2005 to File Answer or Otherwise Respond to Complaint by Liberty Life Assurance Company of Boston.(Paterniti, Richard) (Entered: 09/16/2005)
09/16/2005	<u>3</u>	SUMMONS Returned Executed Liberty Life Assurance Company of Boston served on 9/1/2005, answer due 9/21/2005. (Filo, Jennifer) (Entered: 09/20/2005)
10/18/2005	<u>4</u>	Judge Nancy Gertner: ElectronicORDER entered granting <u>2</u> Assented to Motion for Extension of Time to Answer re <u>1</u> Complaint. Liberty Life Assurance Company of Boston answer due 10/21/2005. (Filo, Jennifer) (Entered: 10/18/2005)
10/20/2005	<u>4</u>	Liberty Life Assurance Company of Boston's ANSWER to Complaint by Liberty Life Assurance Company of Boston.(Paterniti, Richard) (Entered: 10/20/2005)
10/20/2005	<u>5</u>	CORPORATE DISCLOSURE STATEMENT by Liberty Life Assurance Company of Boston. (Paterniti, Richard) (Entered: 10/20/2005)
11/08/2005	<u>6</u>	NOTICE of Change of Address by Richard K. Latimer (Elefther, Elizabeth) (Entered: 11/10/2005)
12/14/2005	<u>7</u>	NOTICE of Scheduling Conference Scheduling Conference set for 1/25/2006 03:15 PM in Courtroom 2 before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 12/14/2005)
01/18/2006	<u>8</u>	NOTICE of Appearance by Guy P. Tully on behalf of Liberty Life Assurance Company of Boston (Tully, Guy) (Entered: 01/18/2006)
01/18/2006	<u>9</u>	JOINT STATEMENT re scheduling conference. (Attachments: # <u>1</u> # <u>2</u>) (Tully, Guy) (Entered: 01/18/2006)
01/25/2006	<u>9</u>	ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Scheduling Conference held on 1/25/2006. Joint Statement-Adopted; Status Conference set for 5/30/2006 02:30 PM in Courtroom 2 before Judge Nancy Gertner. (Court Reporter none.) (Molloy, Maryellen)

		(Entered: 01/30/2006)
05/30/2006	●	ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner : Status Conference held on 5/30/2006. Case on track, parties agree to mediation. Clerk will forward case file to mediation program, order to follow. (Court Reporter none.) (Molloy, Maryellen) (Entered: 05/30/2006)
05/31/2006	●11	REFERRING CASE to Alternative Dispute Resolution to any mediator available.(Molloy, Maryellen) (Entered: 05/31/2006)
05/31/2006	●	Electronic Notice re: assignment to ADR Provider. Counsel are instructed to confer and select the names of four (4) mutually agreeable mediators from the Court's list of ADR Panel Members. The list is accessed on our website, www.mad.uscourts.gov, click on "Guides and Publications" then click on "ADR Panel Members." In addition, select four (4) dates in June/July on which all counsel and principals are available to attend the mediation. The preferred names and dates must be sent to the ADR Program via fax at 617-748-4127 NO LATER THAN Monday, June 5, 2006.(Tyler, Rebecca) (Entered: 05/31/2006)
06/12/2006	●	Electronic Notice of assignment to ADR Provider. ADR Panel Member Sally S. Higginbotham appointed. The mediation will take place on June 29, 2006 at 10:00 am in Courtroom #5 on the 3rd floor. Confidential mediation memoranda must be received by Ms. Higginbotham NO LATER THAN JUNE 22, 2006 at the following address: C/O Barnes and Jones 51 Griffin Rd. Londonderry, NH 03053.(Tyler, Rebecca) (Entered: 06/12/2006)
06/23/2006	●12	Joint MOTION for Extension of Time to August 15, 2006 to serve dispositive motions <i>by Joseph Archambault and by Liberty Life Assurance Company of Boston.</i> (Tully, Guy) (Entered: 06/23/2006)
06/26/2006	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>12</u> Joint Motion for Extension of Time to August 15, 2006 to serve dispositive motions. (Filo, Jennifer) (Entered: 06/26/2006)
08/04/2006	●13	REPORT of Alternative Dispute Resolution Provider. The case did not settle after mediation. Please see attached report.(Tyler, Rebecca) (Entered: 08/04/2006)
08/08/2006	●14	Assented to MOTION for Extension of Time to File <i>Dispositive Motions and Oppositions/Responses By Three (3) Additional Days</i> by Liberty Life Assurance Company of Boston.(Tully, Guy) (Entered: 08/08/2006)
08/09/2006	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>14</u> Assented to Motion for Extension of Time to File. Dispositive Motions due 8/18/2006 and responses are due 9/1/2006. (Filo, Jennifer) (Entered: 08/09/2006)
08/18/2006	●15	MOTION for Summary Judgment by Joseph Archambault.(Latimer, Richard) (Entered: 08/18/2006)
08/18/2006	●16	Statement of Material Record Facts re <u>15</u> MOTION for Summary

		Judgment by Joseph Archambault.(Latimer, Richard) Modified on 8/18/2006 to correct docket text. Document filed as a motion in error. (Filo, Jennifer). (Entered: 08/18/2006)
08/18/2006	<u>17</u>	MEMORANDUM OF LAW by Joseph Archambault to <u>16</u> MOTION for Summary Judgment, <u>15</u> MOTION for Summary Judgment. (Latimer, Richard) (Entered: 08/18/2006)
08/18/2006	<u>18</u>	MOTION for Summary Judgment by Liberty Life Assurance Company of Boston.(Tully, Guy) (Entered: 08/18/2006)
08/18/2006	<u>19</u>	Statement of Material Facts L.R. 56.1 re <u>18</u> MOTION for Summary Judgment filed by Liberty Life Assurance Company of Boston. (Tully, Guy) (Entered: 08/18/2006)
08/18/2006	<u>20</u>	MEMORANDUM in Support re <u>18</u> MOTION for Summary Judgment filed by Liberty Life Assurance Company of Boston. (Tully, Guy) (Entered: 08/18/2006)
08/18/2006	<u>21</u>	DECLARATION of Paula McGee by Liberty Life Assurance Company of Boston. (Tully, Guy) (Entered: 08/18/2006)
08/22/2006	<u>22</u>	Assented to MOTION to Strike <u>17</u> Memorandum of Law Filed By Plaintiff In Support of His Motion For Summary Judgment And Motion To Designate The Date By Which Defendant Must Respond To Plaintiff's Motion For Summary Judgment As The Date That Is 14 Days After Plaintiff Submits A Memorandum That Complies With Local Rul 7.1(B) (4) by Liberty Life Assurance Company of Boston.(Tully, Guy) (Entered: 08/22/2006)
08/22/2006	<u>23</u>	Assented to MEMORANDUM in Support re <u>22</u> Assented to MOTION to Strike <u>17</u> Memorandum of Law Filed By Plaintiff In Support of His Motion For Summary Judgment And Motion To Designate The Date By Which Defendant Must Respond To Plaintiff's Motion For Summary Judgment As The Date That Is 14 Days After Plaintiff Submits A Memorandum That Complies With Local Rule 7.1(B)(4) filed by Liberty Life Assurance Company of Boston. (Tully, Guy) (Entered: 08/22/2006)
08/22/2006	<u>24</u>	DECLARATION re <u>22</u> Assented to MOTION to Strike <u>17</u> Memorandum of Law Filed By Plaintiff In Support of His Motion For Summary Judgment And Motion To Designate The Date By Which Defendant Must Respond To Plaintiff's Motion For Summary Judgment As The Date That Is 14 Days After Plaintiff Submits A Memorandum That Complies With Local Rule 7.1(B)(4) by Liberty Life Assurance Company of Boston. (Tully, Guy) (Entered: 08/22/2006)
08/24/2006		Judge Nancy Gertner : Electronic ORDER entered granting <u>22</u> ASSENTED TO Motion to Strike <u>17</u> Memorandum of Law filed By Plaintiff In Support of His Motion For Summary Judgment And Motion To Designate The Date By Which Defendant Must Respond To Plaintiff's Motion For Summary Judgment As The Date That Is 14 Days After Plaintiff Submits A Memorandum That Complies With Local Rul 7.1(B) (4) (Filo, Jennifer) (Entered: 08/24/2006)

08/24/2006	25	Amended MEMORANDUM in Support re <u>16</u> MOTION for Summary Judgment. <u>22</u> Assented to MOTION to Strike <u>17</u> Memorandum of Law Filed By Plaintiff In Support of His Motion For Summary Judgment And Motion To Designate The Date By Which Defendant Must Respond To Plaintiff's Motion For Summary Judgment As The Date That Is, <u>15</u> MOTION for Summary Judgment filed by Joseph Archambault. (Latimer, Richard) (Entered: 08/24/2006)
09/01/2006	26	Opposition re <u>18</u> MOTION for Summary Judgment filed by Joseph Archambault. (Latimer, Richard) (Entered: 09/01/2006)
09/07/2006	27	Assented to MOTION for Extension of Time to September 12, 2006 to Enlarge By Three (3) Business Days The Deadline For Defendant's Opposition To Plaintiff's Motion For Summary Judgment by Liberty Life Assurance Company of Boston.(Tully, Guy) (Entered: 09/07/2006)
09/07/2006	28	Judge Nancy Gertner : Electronic ORDER entered granting <u>27</u> Assented to Motion for Extension of Time to September 12, 2006 to Enlarge By Three (3) Business Days The Deadline For Defendant's Opposition To Plaintiff's Motion For Summary Judgment by Liberty Life Assurance Company of Boston (Filo, Jennifer) (Entered: 09/07/2006)
09/12/2006	28	Opposition re <u>15</u> MOTION for Summary Judgment filed by Liberty Life Assurance Company of Boston. (Tully, Guy) (Entered: 09/12/2006)
09/12/2006	29	Opposition re <u>16</u> MOTION for Summary Judgment - <i>Defendant's Responses and Objections to Plaintiff's Statement of Material Facts Not In Dispute</i> filed by Liberty Life Assurance Company of Boston. (Tully, Guy) (Entered: 09/12/2006)
09/28/2006	30	ELECTRONIC NOTICE of Hearing on Motions: <u>15</u> MOTION for Summary Judgment, <u>18</u> MOTION for Summary Judgment: Motion Hearing set for 12/14/2006 03:00 PM in Courtroom 2 before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 09/28/2006)
12/18/2006	31	ELECTRONIC NOTICE OF RESCHEDULING:SGJM Hearing RESET FROM 12/14/06 TO 1/10/2007 03:15 PM in Courtroom 2 before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 12/18/2006)
12/21/2006	30	NOTICE of Withdrawal of Appearance by Richard W. Paterniti (Paterniti, Richard) (Entered: 12/21/2006)
01/10/2007	32	Remark: Sjgm hearing scheduled for 1/10/07 is hereby cancelled until further notice. (Molloy, Maryellen) (Entered: 01/10/2007)
01/10/2007	33	ELECTRONIC NOTICE OF RESCHEDULING:Sjgm Hearing RESET TO 2/15/2007 03:30 PM in Courtroom 2 before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 01/10/2007)
01/16/2007	34	Set/Reset Deadlines as to <u>15</u> MOTION for Summary Judgment, <u>18</u> MOTION for Summary Judgment. Motion Hearing is set for 2/15/2007 at 3:30 PM in Courtroom 2 before Judge Nancy Gertner. (Filo, Jennifer) (Entered: 01/16/2007)

02/12/2007	●	ELECTRONIC NOTICE RESETTNG "TIME ONLY" from 3:30 to 3:00PM for Motion Hearing scheduled for Thursday 2/15/07, ctrm #2, 3rd Floor before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 02/12/2007)
02/15/2007	●	ELECTRONIC NOTICE OF RESCHEDULING:Motion Hearing RESET FROM 2/15/07 TO 3/7/2007 03:15 PM in Courtroom 2 before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 02/15/2007)
03/07/2007	●	Electronic Clerk's Notes for proceedings held before Judge Nancy Gertner: Richard Latimer for the pltf. and Guy Tully for the def.; Motion Hearing held on 3/7/2007 re <u>18</u> MOTION for Summary Judgment filed by Liberty Life Assurance Company of Boston <u>15</u> MOTION for Summary Judgment filed by Joseph Archambault; The parties make oral arguments; The Court takes this matter under advisement. (Court Reporter O'Hara.) (Filo, Jennifer) (Entered: 03/07/2007)
03/30/2007	●	Judge Nancy Gertner: Electronic ORDER entered denying <u>15</u> Motion for Summary Judgment by Joseph Archambault, granting <u>18</u> Motion for Summary Judgment by Liberty Life Assurance Company of Boston. Memorandum to follow. (Filo, Jennifer) (Entered: 04/04/2007)
03/30/2007	●31	Judge Nancy Gertner : ORDER entered; MEMORANDUM AND ORDER RE: SUMMARY JUDGMENT.(Filo, Jennifer) (Entered: 04/06/2007)
03/30/2007	●32	Judge Nancy Gertner : ORDER entered; JUDGMENT in favor of Defendant against Plaintiff.(Filo, Jennifer) (Entered: 04/06/2007)
04/25/2007	●33	<i>Plaintiff's</i> NOTICE OF APPEAL by Joseph Archambault Filing fee \$ 455. receipt number 1496431 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/cJerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/15/2007. (Latimer, Richard) (Entered: 04/25/2007)